

# ***Town Board Minutes***

December 20, 2004

Meeting No. 44

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> day of December 2004 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** MARY ANN PERRELLO, DEPUTY TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR

## **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questions and concerns regarding public services in Columbia Gardens Subdivision.
- Concerns regarding the safety of children near the retention pond in Columbia Gardens Subdivision.

**Chowanec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments and questions regarding drainage.
- Comments about the development of site before Town Board approval for Pleasant Meadows Subdivision.

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- Urges the Town Board to have the owner of proposed subdivision located near his property redesign the plan for the subdivision.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Concerns about alleged debris collecting in culvert behind his house.
- Questions and concerns about the detention pond in Columbia Gardens Subdivision.

**PUBLIC HEARING SCHEDULED FOR 8:30P.M.:**

At 8:32 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Greg Zygaj & Mariette Cimato Zygaj to rezone property from a Residential Commercial Office District (RCO) in the front 300' and Residential District One (R-1) in the back to a Multi-Family District Three (MFR-3).

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

| NAME                                     | ADDRESS                | Proponent/<br>Opponent/<br>Comments/Questions |
|--|------------------------|---|
| Greg Zygaj, the petitioner               | 8300 Greiner Road      | Proponent                                     |
| Al Hopkins, Metzger Civil Engineering    | 8560 Main Street       | Proponent                                     |
| David Zygaj, attorney for the petitioner | Liberty Bldg., Buffalo | Proponent                                     |
| Lorraine Bona                            | 5688 Broadway          | Opponent/Comments                             |
| Greg Tilley                              | 9262 Lake Road         | Proponent                                     |
| Ray Zygaj, initial owner of property     | 8255 County Rd         | Proponent                                     |

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

The Public Hearing was adjourned at 8:53 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

December 20, 2004

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and the Town Board held December 6, 2004 and the Regular Meeting of the Town Board held December 6, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER AMATURA  | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER RUFFINO  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

December 20, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

**WHEREAS**, funds have been provided in the current 2005 General Town Budget for the 2005 Tree Planting Program, and

**WHEREAS**, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on January 6, 2005 for meeting the requirements of the Town of Lancaster's 2005 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER AMATURA  | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER RUFFINO  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

December 20, 2004

FILE: RBOTREES (P1)

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS  
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on January 6, 2005 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2005 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

December 20, 2004

File: RBOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**WHEREAS**, it is necessary to make various transfers within the 2004 budget  
accounts of the Town of Lancaster at the close of Town business on December 31, 2004.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and hereby is  
authorized and directed to make such transfers to all over-expended accounts from available  
funds in the 2004 Budget, including unappropriated fund balances, upon the close of Town  
business on December 31, 2004.

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER AMATURA  | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER RUFFINO  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Governmental Accounting Standards Board has issued new financial requirements under its statement GASB 34, and

**WHEREAS**, the Town of Lancaster must adopt certain provisions of the statement in the fiscal year ended December 31, 2004.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Lancaster hereby designates each of its funds as "major" funds in accordance with the provisions of GASB 34, to provide a framework for more detailed reporting of the Town's operations, and

**BE IT FURTHER**

**RESOLVED**, that the Town of Lancaster designates \$40,000 as a minimum capital expenditure, which would be recorded as a fixed asset for the purpose of GASB 34, and

**BE IT FURTHER**

**RESOLVED**, that the Town of Lancaster adopts the following useful lives for depreciation purposes under GASB 34:

|                           |                |
|---------------------------|----------------|
| Building and Improvements | - 15-75 years  |
| Equipment                 | - 3-25 years   |
| Infrastructure            | - 20-100 years |

and,

**BE IT FURTHER**

**RESOLVED**, that the Town of Lancaster adopts the straight-line method of depreciating its assets for the purposes of GASB 34.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, our community and communities across America are welcoming many new neighbors, friends, employees and citizens from countries and cultures throughout the world – people for whom English is not their native language, and

**WHEREAS**, Americans have growing social, cultural and economic ties to the global community, offering great opportunities but presenting new challenges as we seek to communicate with and understand our international partners from different language and culture backgrounds, and

**WHEREAS**, studying other languages has been shown to contribute to increased cognitive skills, better academic performance and a greater understanding of others, while also providing life-long learning opportunities for people beyond school age, and

**WHEREAS**, proficiency in other languages enhances Americans' career opportunities and provides employers with a workforce with the necessary skills for an international marketplace, and

**WHEREAS**, foreign language educators are working cooperatively to promote the benefits of language learning to students, parents, business, industry, health and social services leaders, and policy makers throughout the nation, and

**WHEREAS**, language education in the 21<sup>st</sup> century includes a commitment to the study of long sequences of world languages beginning in the early grades to enable students to develop the levels of proficiency needed to effectively communicate with people from other cultures whether at home or abroad, and

**WHEREAS**, language educators are urging the public to recognize the value of delivering better education to our students, of expanding the cultural and literary horizons of adult learners, and of strengthening America's position and security around the world.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby proclaims the year 2005 as the Year of Languages and urges all citizens to become familiar with the services and benefits offered by language education programs in our state and community and to support and participate in these programs to gain proficiency not only in English, but in other languages as well.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER AMATURA  | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER RUFFINO  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

December 20, 2004



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, upon reviewing the budgetary accounts of the Town of Lancaster, the Supervisor has determined the need for various adjustments to the 2004 Adopted Budget of the Town of Lancaster,

**NOW, THEREFORE, BE IT**

**RESOLVED** that the following Budget Amendments be and are hereby approved in the 2004 adopted budget of the Town of Lancaster:

| <b>Miscellaneous Special Revenue - Public Safety</b>                   | <u><b>Increase</b></u> |
|--|------------------------|
| 36-599 Appropriated Fund Balance                                       | 293                    |
| 36-960 Budget Appropriations   | 293                    |
| 36-9901-901 Transfer to Fire Prot. District for Public Safety Expenses | 293                    |
| <br><b>Special District - Fire Protection District</b>                 |                        |
| 50-510 Estimated Revenues  | 293                    |
| 50-5031 Interfund Transfers in from Public Safety Fund                 | 293                    |
| 50-599 Appropriated Fund Balance                                       | 15,000                 |
| 50-960 Budget Appropriations   | 15,293                 |
| 50-3410-482 Volunteer Firefighters' Workers' Comp. Exp.                | 15,000                 |
| 50-3410-483 Hydrant Repairs  | 293                    |
| <br><b>Miscellaneous Special Revenue - Tree Planting Fee</b>           |                        |
| 33-599 Appropriated Fund Balance                                       | 4,410                  |
| 33-960 Budget Appropriations   | 4,410                  |
| 33-8000-400 Contractual Expenses                                       | 4,410                  |
| <br><b>Miscellaneous Special Revenue - Police Asset Forfeiture</b>     |                        |
| 31-510 Estimated Revenues  | 28,000                 |
| 31-4389 Federal Aid, Other Public Safety Aid                           | 28,000                 |
| 31-960 Budget Appropriations   | 28,000                 |
| 31-3120-210 Equipment  | 1,636                  |
| 31-3120-220 Vehicles   | 10,000                 |
| 31-3120-225 Trucks & Related   | 1,200                  |
| 31-3120-245 Public Safety Equipment                                    | 1,000                  |
| 31-3120-401 Office Supplies  | 500                    |
| 31-3120-412 Education Expense  | 3,000                  |
| 31-3120-432 Auto Parts & Supplies                                      | 500                    |
| 31-3120-442 Uniforms & Related   | 1,400                  |
| 31-3120-449 Other Unclassified   | 6,500                  |
| 31-9901-901 Transfer to Police Fund for Public Safety Expense          | 2,264                  |

**Police Fund**

|  |         |
|--|---------|
| 05-510 Estimated Revenues  | 222,269 |
| 05-2261 Police Merger Contract Payment from Village of Lancaster | 198,142 |
| 05-3389 State Aid, Other Public Safety Aid                       | 20,000  |
| 05-4389 Federal Aid, Other Public Safety Aid                     | 1,863   |
| 05-5034 Interfund Transfers in from Police Asset Forfeiture Fund | 2,264   |
| 05-960 Budget Appropriations                                     | 222,269 |
| 05-3120-102 Police Overtime                                      | 185,269 |
| 05-3120-109 Police Court Time                                    | 17,000  |
| 05-3120-220 Police Passenger Vehicles (DARE Vehicle)             | 20,000  |

**General Fund - Townwide**

|   |        |
|---|--------|
| 01-599 Appropriated Fund Balance                            | 55,000 |
| 01-960 Budget Appropriations                                | 55,000 |
| 01-1355-410 Assessor, Professional Services                 | 45,000 |
| 01-7989-449 Other Culture & Recreation - Hull House Support | 5,000  |
| 01-8810-449 Cemeteries, Lancaster Rural Cemetery Support    | 5,000  |

**Special Districts - Refuse**

|                                       |        |
|---------------------------------------|--------|
| 35-599 Appropriated Fund Balance      | 68,000 |
| 35-960 Budget Appropriations          | 68,000 |
| 35-8160-410 Disposal of Freon Units   | 8,000  |
| 35-8160-411 Refuse Collection Expense | 25,000 |
| 35-8160-0412 Refuse Disposal Expenses | 35,000 |

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |           |
|-------------------------|-----------|
| COUNCIL MEMBER AMATURA  | VOTED YES |
| COUNCIL MEMBER MONTOUR  | VOTED YES |
| COUNCIL MEMBER RUFFINO  | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA         | VOTED YES |

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Supervisor of the Town of Lancaster has determined that certain of the Town's Capital Projects are deemed to be completed, and

**WHEREAS**, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town's books be closed except those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the projects and/or subsequent retirement of said debt shall be closed after said debt is retired, and

**BE IT FURTHER**

**RESOLVED**, that where applicable, the project cash balances listed below be transferred to the "Reserve for Debt Service" account of the operating fund specified below:

|                                 | Fund       | Date              | Project        |                          |
|---------------------------------|------------|-------------------|----------------|--------------------------|
| <u>Project Name/Description</u> | <u>No.</u> | <u>Authorized</u> | <u>Balance</u> | <u>Operating Fund</u>    |
| Multi-Modal Highway Aid         | 137        | n/a (grant)       | \$0.00         | Highway Fund - TOV       |
| Central Bridge/Streetscape      | 153        | n/a               | 0.00           | Highway Fund - Townwide  |
| Water Pumping Station           | 142        | 06/03/02          | 1,899.83       | Consolidated Water Dist. |

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2005, entitled "FLOODPLAIN MAP REVISION", which will amend the Code of the Town of Lancaster by adding Section 21.6 (A) (3) to Chapter 21 "Floodplains", Article III, "General Provisions" of the Code of the Town of Lancaster, which reads as follows:

**Chapter 21**

**FLOODPLAINS**

**ARTICLE III, General Provisions**

**Section 21-6., Basis for establishing areas of special flood hazard.**

**Proposed  
Local Law  
Of the Year 2005**

**A LOCAL LAW OF THE YEAR 2005 ENTITLED "FLOODPLAIN MAP REVISION", WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 21-6 (A) (3) TO CHAPTER 21, "FLOODPLAINS" ARTICLE III, SECTION 21., AND**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, New York as follows:

The Code of the Town of Lancaster is hereby amended by enacting the Local Law of the Year 2005 entitled "Floodplain Map Revision" which adds Section 21-6 (A) (3) to Chapter 21, "Floodplains", Article III, "General Provisions" of the Town Code which reads as follows:

**§21-6. Basis for establishing areas of special flood hazard.**

A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) .....

(3) LOMR effective May 17, 2005, FEMA case number 04-02-019P, revising FIRM panels 0007C, 0008C.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2005, entitled "Floodplain Map Revision" which Local Law adds Section 21.6 (A) (3) to Chapter 21, "Floodplains", Article III, "General Provisions" of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o'clock P.M., Local Time, on the 3<sup>rd</sup> day of January, 2005, and that Notice of the Time and Place of such Hearing shall be published on December 23, 2004, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2005, entitled "Floodplain Map Revision" available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted December 20, 2004, the said Town Board will hold a Public Hearing on the 3rd day of January, 2005 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2005, entitled "Floodplain Map Revision", and further designated as Chapter 21, "Floodplains", Article III, "General Provisions" Section 21.6 (A) (3) of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION  
PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY  
(FEMA)."**

A complete copy of this proposed Local Law of the Year 2005, entitled "Floodplain Map Revision", and designated as Chapter 21, "Floodplains", Article III, "General Provisions", Section 21.6 (A) (3) of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

December 20, 2004

File: rlocallawfloodplainsamended1204

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 20 (B) (1) (j) of the Code of the Town of Lancaster, upon the application of **James L. Dispenza**, for a Special Use Permit for a used light truck and recreational vehicle sales business on premises located at 73 Cemetery Road in the Town of Lancaster, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS) " of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby deny a Special Use Permit to James L. Dispenza, for a used light truck and recreational vehicle sales business on premises located at 73 Cemetery Road, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board has previously memorialized the State Legislature and the Governor regarding the fine revenue distributed from vehicle and traffic offenses pursuant to Section 1803 Vehicle and Traffic Law, and

**WHEREAS**, the New York State Senate has adopted legislation under Senate Bill 7757 and the New York State Assembly has adopted legislation under Assembly Bill 11845 which would restore the original justice fine distribution which was in effect prior to August 2004 providing municipalities with a larger share of revenue from fines imposed in the justice court, and

**WHEREAS**, the Town Board deems it in the public interest to memorialize Governor George Pataki to sign these bills into legislation;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby memorializes Governor George Pataki to sign Senate Bill 7757 and Assembly Bill 11845 to effectuate a change in the fine revenue distribution to municipalities pursuant to Section 1803 of the Vehicle and Traffic Law to provide for restoration of the fine distribution previously received by the Town which supports the local share cost of justice court operations.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town's labor negotiator, William L. Holcomb of William L. Holcomb Associates, Inc., 2714 Sheridan Drive, Tonawanda, New York, is under contract with the Town of Lancaster for providing labor consultant services for contract administration requirements to the Town of Lancaster which contract expires December 31, 2004, and

**WHEREAS**, William L. Holcomb is in the process of continuing negotiations on contracts with the four bargaining units representing Town employees, and

**WHEREAS**, William L. Holcomb has submitted a proposal for continuation of services for the years 2005 and 2006, and

**WHEREAS**, the Town Board has reviewed the proposal submitted by William L. Holcomb Associates, Inc. and deems it in the public interest to continue William L. Holcomb Associates, Inc. under retainer for the two year period commencing January 1, 2005 through December 31, 2006.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with William L. Holcomb Associates, Inc. to provide labor consultant services for contract administration requirements to the Town of Lancaster on the terms and conditions as contained in the letter proposal from the said William L. Holcomb Associates, Inc. dated December 15, 2004, said contract to be for the period effective January 1, 2005 and running through December 31, 2006.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004

File: rholcombnegotiator1204

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 12610 to Claim No. 12905 Inclusive

Total amount hereby authorized to be paid: \$345,923.78

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004

File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

|       |                        |                      |                |       |
|-------|------------------------|----------------------|----------------|-------|
| 12503 | Schuster Const. LLC    | 36 Fox Hunt Rd       | Er. Res. Add   |       |
| 12504 | Muzdak, Linda          | 80 Vandenberg Ave    | Er. Shed       | (V/L) |
| 12505 | Schneckenberger, L.J.  | 5868 Broadway        | Er. Res. Alt.  |       |
| 12506 | C Tucker Homes         | 37 Windcroft Ln      | Er. Dwlg.-Sin. |       |
| 12507 | Holiday Lumber Co Inc  | 249 Warner Rd        | Er. Res. Add.  |       |
| 12508 | Wassim, Issa           | 470 N Aurora St      | Er. Comm. Alt. |       |
| 12509 | Tim Horton's           | 5390 Genesee St      | Er. Sign       |       |
| 12510 | Braun, Raymond         | 50 St Marys St       | Dem. Garage    | (V/L) |
| 12511 | Braun, Raymond         | 50 St Marys St       | Er. Res. Add.  | (V/L) |
| 12512 | Essex Homes Of WNY     | 221 Pleasant View Dr | Er. Dwlg.-Sin. |       |
| 12513 | Black Hat Chimney      | 9 Creekwood Dr       | Er. Fireplace  |       |
| 12514 | Classic Fence & Lumber | 138 S Irwinwood Rd   | Er. Fence      | (V/L) |
| 12515 | Kipfer, Kevin          | 15 Park Blvd         | Er. Res. Alt.  | (V/L) |
| 12516 | Forbes Homes Inc       | 23 Beatrix Cir       | Er. Dwlg.-Sin. |       |
| 12517 | Glorified Development  | 50 Trentwood Trl     | Er. Res. Add.  |       |
| 12518 | Randaccio Bldrs        | 22 Beatrix Cir       | Er. Dwlg.-Sin. |       |

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

|                          |           |
|--------------------------|-----------|
| COUNCIL MEMBER AMATURA   | VOTED YES |
| COUNCIL MEMBER MONTOUR   | VOTED YES |
| COUNCIL MEMBER RUFFINO   | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA          | VOTED YES |

December 20, 2004

File: Rbldg2

## COMMUNICATIONS & REPORTS:

965. NYS DOT to Town Attorney -  
Request for extra time to review the FEIS for proposed Pleasant Meadows Subdivision.  
DISPOSITION = Town Attorney
966. NYS Senator Dale M. Volker to Town Clerk -  
Acknowledgment of receipt of Town Board resolution regarding Erie County budget.  
DISPOSITION = Received & Filed
967. Town of Alabama to Town Board -  
Transmittal of resolution requesting establishment of a New York State Veterans' Cemetery.  
DISPOSITION = Received & Filed
968. Melvin H. Szymanski to Supervisor -  
Request for reappointment as Planning Board member. DISPOSITION = For Resolution
969. Andrew Debbins to Supervisor -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
970. Robert P. Thill to Town Board -  
Request for reappointment as member of Zoning Board of Appeals. DISPOSITION = For Resolution
971. Erie County Department of Health to Supervisor -  
Comments regarding proposed Erie County budget. DISPOSITION = Received & Filed
972. Lancaster Central School District Building & Grounds Dept. to Supervisor -  
Concerns regarding water pressure at the Lancaster High School. DISPOSITION = Town Engineer
973. School and Municipal Energy Cooperative of WNY to Town Board -  
Notice of selection by SMEC of ESCO variable rate electrical option for customers.  
DISPOSITION = Received & Filed
974. William T. Revelas to Supervisor, Town Board -  
Request reappointment as Fire Inspector - Part Time. DISPOSITION = Received & Filed
975. NYS Department of Labor to Town Board -  
Comments regarding emergency demolition regulations. DISPOSITION = Building Inspector
976. Bee Group Newspapers to Town Board -  
Request the designation of official newspaper of Town. DISPOSITION = For Resolution
977. Erie County Department of Environment & Planning to Town Board -  
Notice SEQR negative declaration regarding proposed installation of sanitary sewers on Didion and Brunck Roads. DISPOSITION = Received & Filed
978. Town Clerk to Town Board -  
Transmittal of final settlement for 2004-2005 school tax collection.  
DISPOSITION = Received & Filed
979. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer -  
Notification of SEQR meeting to be held December 20, 2004 at 6:30 PM regarding site plan review for proposed Country Club Gardens Subdivision. DISPOSITION = Received & Filed
980. Town Clerk to Various News Media -  
Notification of SEQR meeting to be held December 20, 2004 at 6:30 PM regarding site plan review for proposed Country Club Gardens Subdivision. DISPOSITION = Received & Filed
981. Donald G. Symer, P.E. to Town Board -  
Additional comments regarding FEIS for proposed Pleasant Meadows Subdivision and rezone project. DISPOSITION = Planning Committee

982. Al-E-Oops Restaurant to Town Clerk -  
Advisement of application for renewal of liquor license under new corporate name.  
DISPOSITION = Town Attorney
983. Village of Lancaster to Town Board -  
Transmittal of minutes of meeting held November 22, 2004. DISPOSITION = Received & Filed
984. True North Company to Town Engineer -  
Letter regarding status of GIS Project for the Town. DISPOSITION = Town Engineer
985. Marsha C. Cox to Supervisor, Town Board -  
Request to carry over unused 2004 vacation days to 2005. DISPOSITION = Supervisor
986. NYS DOT to Town Board -  
Notice of training workshop to be held January 6, 2005 in Buffalo regarding Roundabouts.  
DISPOSITION = Received & Filed
987. Town of Clarence to Supervisor -  
Transmittal of resolution demanding New York State provide Medicaid reform.  
DISPOSITION = Received & Filed
988. NYS DEC to Supervisor -  
Request for Town to formally adopt revised floodplain map. DISPOSITION = Town Attorney & Town Engineer
989. Erie County Division of Planning to Town Board -  
Submission of review and reply regarding rezone of 5692 Broadway. DISPOSITION = Planning Committee

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 9:18 P.M.

Signed Mary Ann Perrello  
Mary Ann Perrello, Deputy Town Clerk